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June 30, 1998

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Via FedEx

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222, NE
Washington, DC 20554

Re: Comments of CONXUS Communications, Inc.
WT Docket No. 96-198

Dear Mr. Secretary:

Enclosed are an original and nine (9) copies of the Comments of CONXUS Communications, Inc. in WT Docket No. 96-198. Please file the comments in this proceeding.

Sincerely,

Michael D. Layman
Vice President and General Counsel

cc: Dan Phytheon
Elizabeth Lyle

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JUL 1 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
Implementation of Section 255 of the)	
Telecommunications Act of 1996)	
)	WT Docket No. 96-198
Access to Telecommunications Services,)	
Telecommunications Equipment, and)	
Customer Premises Equipment By Persons)	
With Disabilities)	

Comments of CONXUS Communications, Inc.

Michael D. Layman
Vice President and General Counsel
CONXUS Communications, Inc.
12 North Main Street
Greenville, SC 29615
(864) 235-0940

June 30, 1998

INTRODUCTION

CONXUS Communications is licensed by the Federal Communications Commission to provide Personal Communications Services ("PCS") using Narrowband PCS frequencies. CONXUS provides stored voice messaging services to customers in Miami, Tampa-Orlando, Dallas-Ft. Worth, Houston, Los Angeles, Chicago, Atlanta and Washington, D.C.-Baltimore. Within the next 60 days, CONXUS expects to extend commercial service to customers in New York, Boston, Philadelphia and San Francisco.

CONXUS customers use the Pocketalk™ subscriber device, a messaging unit which functions much like a portable answering machine. Callers dial the Pocketalk™ customer's unique telephone number and are prompted to leave a voice message. The customer's unit rings or vibrates (at the customer's option) to alert the customer to a message. The customer can choose to listen to the message immediately, or later. A customer out of the coverage area when a caller leaves a message is alerted to waiting messages when the customer returns to the coverage area. The Pocketalk™ device is about the size of a deck of cards and uses a single 9-volt battery. Sold primarily by resellers in CONXUS coverage areas, the Pocketalk™ device typically costs from \$79.00 to \$99.00. Monthly local service, including message storage, is typically \$20.00. A customer desiring service in all CONXUS markets can obtain such coverage for less than \$40.00 a month. The Pocketalk™ network offers major advantages over traditional voice messaging, in that the network stores messages for convenient retrieval, at low cost. Pocketalk™ costs less to purchase and use than cellular or broadband PCS services. CONXUS believes that unless the FCC adopts more flexible standards in its final order in this rulemaking, the company faces a virtually impossible task in making its service available to consumers of all disabilities.

DISCUSSION

The statutory mandate in Section 255 of the Telecommunications Act of 1996 as it relates to carriers is straightforward and brief: "A provider of telecommunications services shall insure that the service is accessible to and usable by individuals with disabilities, if readily achievable."

CONXUS offers only voice messaging service, as described above. The Pocketalk™ device is manufactured only by Motorola, Inc. and the device now in use is a first-generation product. The subscriber device has been in widespread commercial use for about a year. Despite the short time during which the device has been in commercial use, CONXUS has already seen a response from visually-impaired consumers which can only be described as remarkable. Among the first potential users to contact CONXUS when the network began commercial operation in Washington, D.C. and Miami were persons who said they were blind or only partially-sighted. These users told of their frustration and dissatisfaction with cellular phones because of the service's high-cost and the short battery life of the handsets. Lower-cost digital and alphanumeric pagers are not particularly useful to these consumers, although those with whom CONXUS representatives spoke told of the ways in which they had sought to use the alphanumeric or digital pagers: the most common adaptation was to hold the unit up to another person and have the telephone number or text message read out loud to the blind user. The availability of a low-cost alternative to digital and alphanumeric pagers allowing a blind user to retrieve voice messages in privacy has led many blind or partially-sighted persons to purchase and use Pocketalk™ enthusiastically.

While the Pocketalk™ device is of obvious benefit to users with limited or no vision, the device is not a substitute for the digital or alphanumeric pagers useful to customers with no hearing. The Pocketalk™ device cannot display a text message nor convert the voice message into a text message. Unless CONXUS can demonstrate that modification to the Pocketalk™ device or network to make it more useful to deaf persons is not "readily achievable" the company faces the risk of sanctions under the FCC's final order in this rulemaking if the rules as proposed are adopted. CONXUS is particularly concerned with the FCC's proposal to require carriers to incorporate accessibility features in each product the carrier offers. CONXUS offers only a single product-the Pocketalk™ device. Adoption of a requirement that CONXUS provide accessibility to deaf as well as blind persons in a device uniquely suited to blind users but unsuited to deaf users cannot be what Congress intended in the enactment of Section 255.

CONXUS believes the more appropriate standard for carriers, particularly those which do not offer multiple product lines, is to require that the carrier do what is readily

achievable to extend the potential benefits of the product the carrier offers to as many users with disabilities as reasonably possible. This test, of course, inherently requires a facts-and-circumstances analysis. Among the questions CONXUS believes may be relevant in applying such a test to the Pocketalk™ are the following:

1. What devices similar to the Pocketalk™ are available in the marketplace at a similar cost to purchase and operate, and which provide greater accessibility to persons with disabilities?
2. What efforts has CONXUS made to maximize the accessibility of Pocketalk™ to potential users whose disabilities allow the use of voice messaging?

There is no device similar to the Pocketalk™ available in the marketplace which can deliver stored voice messaging at a similar cost to purchase and operate. By definition, therefore, no device presently exists which can deliver a voice message and provide greater accessibility to persons with disabilities. The unique accessibility of the Pocketalk™ to users with little or no sight has actually extended the availability of more telecommunications options to those disabled by blindness or impaired vision. CONXUS proactively seeks to make its network and service more accessible. For example, CONXUS has:

1. With the cooperation of Motorola, Inc., developed trial versions of Braille marketing material, a Braille version of the operating instructions for the Pocketalk™ device, and audiotape operating instructions to allow visually-impaired consumers easier access to the Pocketalk™ device and network;
2. Interviewed blind or visually-impaired Pocketalk™ consumers for comments about the adaptation of the existing device to their special needs, and for suggestions for improvements for incorporation in second and subsequent-generation devices.
3. Worked actively with both the American Federation of the Blind and the American Council of the Blind to introduce the Pocketalk™ device and service to

the membership of these organizations, and to seek assistance in improving the accessibility of the service.

By concentrating its efforts on helping to enhance the accessibility of the Pocketalk™ to visually-impaired users, CONXUS has helped to provide a new, uniquely helpful telecommunications device to a group of disabled persons. To require CONXUS to compromise the features of the Pocketalk™ device and network which make it uniquely useful to those with little or no vision makes no sense in the world envisioned by the Telecommunications Act of 1996, passed to foster competition and diversity in communications offerings. CONXUS believes, after seven months of commercial operation, that the greatest contribution it can make as a provider of telecommunications service to a public which includes thousands of potential users with little or no vision is to concentrate its efforts on making the Pocketalk™ device and network even more accessible to those disabled users who can benefit immediately and directly from the product's existing characteristics.

CONCLUSION

CONXUS is the only provider of stored-voice messaging using Narrowband PCS technology in the United States today. Customers needing affordable, widely-available messaging service have equally useful options other than Pocketalk™ if their disabilities prevent the full use of Pocketalk™ and its unique features. CONXUS believes that carriers such as itself should focus on making the features of existing technology more available to disabled users by any means possible while still taking into account the fact that a "one size fits all" mandate cannot be met. CONXUS believes further that by using the data developed in the commercial world, it can assist manufacturers make future telecommunications devices more useful to disabled customers, while retaining the features that open new opportunities to disabled users.

Respectfully submitted,

s/ Michael D. Layman

Michael D. Layman
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12 North Main Street
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June 30, 1998

Certificate of Service

I, Michael D. Layman, do hereby certify that on the 30th day of June, 1998, a copy of the foregoing Comments of CONXUS Communications, Inc. has been served, via United States Mail, postage pre-paid, upon the following:

Dan Phytheon
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Elizabeth Lyle
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s/ Michael D. Layman
Michael D. Layman